REMARKS

This responds to the Office Action dated May 29, 2009.

No claims are amended, claims 10-258 were previously canceled, and no new claims are added; as a result, claims 1-9 are now pending in this application.

§ *103 Rejection of the Claims*

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being obvious over Wendorf (U.S. Patent No. 5,469,431) in view of Bennington (U.S. Patent Application Publication No. 2008/0178222) and Beaudry (U.S. Patent No. 5,524,001).

With respect to claim 1, the Office Action correctly stated that Wendorf does not disclose or suggest a *distributed computing application* recited in claim 1and refers to Bennington that is related to an electronic program guide (EPG) schedule system.[1] Specifically, the Office Action cites Bennington at [0066] – [0071] and states that software for implementing an EPG on a receiver reads on the claimed "*distributed computing application*."[2] Bennington describes that a data stream transmitted on a cable line may contain application software for implementing the electronic program guide (EPG) at the user site.[3] The software for implementing the EPG at the user site is provided to the microcontroller that recognizes it as application software that controls the program schedule system as opposed to program schedule information and stores it in non-volatile memory.[4] In Bennington, the EPG application software can act to connect the user to the programming service, at which point the user interacts with the service. Alternatively, the EPG provides navigation software for the particular programming service.[5] There is no indication that the software for implementing the EPG described in Bennington is a *distributed* computing application. Thus, in order to show a "*distributed computing application*" recited in claim 1, the Office Action cites merely a computing application, thus ignoring the term "distributed" recited

[1] Bennington, Title.
[2] Detailed action mailed on May 29, 2009, page 3.
[3] Bennington at [0066] – [0071].
[4] Bennington at [0070].
[5] Bennington at [0115].

in the claim language. Beaudry discloses transmitting signals assembled into packets. (Beaudry, 2: 50-68.) A packet or a group of packets does not amount to a computing application in general or to "a distributed computing application," recited in claim 1, in particular. Thus, as neither Wendorf nor Bennington or Beaudry disclose or suggest a computing application that is a *distributed* computing application, combining these references does not amount to a disclosure of "a distributed computing application" recited in claim 1.

With respect to the feature of "wherein said distributed computing application is repetitively transmitted independent of receiving client computer apparatus during times that said video program is transmitted" recited in claim 1, the Office Action states that "[c]yclically transmitting content data in Beaudry corresponds with cyclically transmitting any section of the content in Wendorf."[6] In Wendorf, the cyclical operation is the updating of the global channel map tables, which suggests that new or modified information is being sent during each cycle. The updating of certain data on a cyclical basis is drastically different from repetitively transmitting the same information. Furthermore, transmitting one or more packets multiple times or according to a schedule does not amount to an operation of transmitting a distributed computing application repetitively, independent of the receiving client, and during times that a certain video program is being transmitted, as required by claim 1. Therefore, one of ordinary skilled in the art, when faced with a cyclical update operation described in Wendorf (that suggests that different data is being transmitted in every new cycle), the cyclical transmission of data packets in Beaudry (that does not contemplate transmitting of a computing application), and Bennington (that does not disclose any repetitive transmission of any type of information) would not be able to arrive at a solution where a distributed computing application is being repetitively transmitted.

The Office Action does not address the feature recited in claim 1 wherein said distributed computing application (which is associated with a video program) is "repetitively transmitted *independent of receiving client computer apparatus*" and also that the repetitive transmission is "*during times that said video program is transmitted*." It is submitted that these

[6] Detailed Action, page 4.

features are not disclosed or suggested by the combination of Wendorf, Bennington and Beaudry.

The Office Action does not address the feature of "*in which execution of said distributed computing application alters said video program*" recited in claim 1. It is submitted that the combination of Wendorf, Bennington, and Beaudry fails to disclose or suggest this feature.

Thus, because the combination of Wendorf, Bennington, and Beaudry fails to disclose or suggest all elements of claim 1, claim 1 and its dependent claims are patentable and should be allowed.

Claim 6 recites "a client computer including a data receiver for selecting packets of one of the plurality of distributed computing applications, and extracting the corresponding distributed computing application representative data included in the selected packets and applying it to computer program controlled apparatus for executing the extracted distributed computing application, said data receiver extracting auxiliary data from auxiliary packets in the data stream and supplying it to an auxiliary data processor." The Office Action does not address the elements of this feature, e.g., "extracting the corresponding distributed computing application representative data" and "extracting auxiliary data from auxiliary packets in the data stream and supplying it to an auxiliary data processor." It is submitted that the combination of Wendorf, Bennington, and Beaudry fails to disclose or suggest the features of claim 6. Thus, because the combination of Wendorf, Bennington, and Beaudry fails to disclose or suggest all elements of claim 6, claim 6 is patentable and should be allowed.

The Office Action states that a "directory module" recited in claim 7 is disclosed by the Service map discussed in Wendorf at 5: 49-65 and at 6: 35-51. Claim 7, however, recites "the client computer *extracts said directory module from the data stream* and *using data contained in the directory module extracts packets associated with said distributed computing application* and *builds said distributed computing application* and executes said distributed computing application." The Office Action does not address these specific features. It is submitted that the combination of Wendorf, Bennington, and Beaudry fails to disclose or suggest the features of claim 7. Thus, because the combination of Wendorf, Bennington, and Beaudry fails to disclose

or suggest all elements of claim 7, claim 7 and its dependent claim are patentable and should be allowed.

Claim 9, recites "receiving a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application which distributed computing application is repetitively transmitted independently of said client computer and at least one of the packets representing the distributed computing application includes a directory containing information inter-relating ones of the packets containing said distributed computing application; a data stream receiver, coupled to said input terminal, for receiving the data stream, providing separate data streams of said video signal and said distributed computing application, extracting said directory packet and responsive to the directory, extracting packets containing said distributed computing application representative data." The Office Action does not address specific features recited in claim 9, such as, e.g., "a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application" and "a distributed computing application ... repetitively transmitted independently of said client computer." It is submitted that the combination of Wendorf, Bennington, and Beaudry fails to disclose or suggest the features of claim 9. Thus, because the combination of Wendorf, Bennington, and Beaudry fails to disclose or suggest all elements of claim 9, claim 9 is patentable and should be allowed.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29 day of October, 2009.

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